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ABSTRACT

Presented are two arguments on academic collective bargaining, by John R. Silber and Robert Nielsen. Dr. Silber argues that faculty organization causes the university to become more like a factory than a university, that a faculty member has more in common with a middle level manager today than with a professor of 25 years ago, and that featherbedding in trade unionism is such that financial viability of unionized universities is endangered. He asks whether academe has inadvertently slipped into collective bargaining or done so with its eyes open. Dr. Nielsen argues that faculty are probably the most unlikely group to ever organize into a union in the history of the labor movement, and yet in nine years 25 percent of college professors have organized. He states that the way universities are run is the major reason for the unionization, and that faculty are really organizing themselves as a fundamentally conservative force on campus. (MSE)

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Two Views on Collective Bargaining

HE009588

A Presentation to the SREB Legislative Work Conference

Southern Regional Education Board
130 Sixth Street, N.W. • Atlanta, Georgia 30313
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Introduction

Estimates of the shape of higher education in the Eighties indicate that enrollments will stabilize and that the need for new faculty will be decreasing progressively. Some observers predict that with more static faculties, there will be more concern about job security and salary issues among professors and instructors at colleges and universities. This could mean that the issue of collective bargaining will be a recurring topic for state policy makers.

Recent figures, displayed in the accompanying table on faculty unionization, show that there are nearly 550 unionized campuses in the nation. The primary factor in the growth of faculty unions in America since the late 1960's has been state legislation. Even though all private institutions have bargaining rights under the National Labor Relations Act, these private colleges account for only about 15 percent of all unionized campuses today. Most of the faculty unions are at public institutions in the 24 states with collective bargaining laws, and 60 percent of these institutions are public, two-year colleges.

Faculty Unionization, 1976-77

Summary of bargaining agents

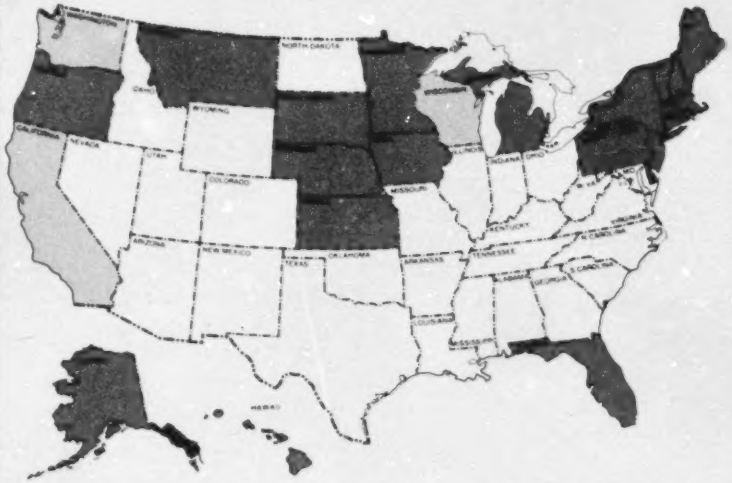
	4-Year Campuses			2-Year Campuses			Grand Total
	Public	Private	Total	Public	Private	Total	
A.A.U.P.	21	24	45	2	2	4	49
A.F.T.	71	17	88	108	6	114	202
N.E.A.	29	12	41	164	2	166	207
A.A.U.P.–A.F.T.	1	0	1	0	0	0	1
A.A.U.P.–N.E.A.	4	0	4	7	0	7	11
Other	18	11	29	44	1	45	74
Total agents	144	64	208	325	11	336	544
Bargaining rejected	22	39	61	10	3	13	74

Elections and recognitions of agents during the current academic year

	4-Year Colleges		2-Year Colleges	
	Entered	Won	Entered	Won
American Assn. of University Professors	11	2	1	0
American Federation of Teachers	9	3	9	4
National Education Association	11	2	18	10
Independent and Other	4	1	3	2
A.A.U.P.-N.E.A.	1	1	0	0
No Bargaining Agent	—	11	—	3
Unresolved	—	1	—	1

Adapted from *The Chronicle of Higher Education*

Where Laws on Faculty Bargaining Stand in the 50 States, 1976-77



- States with collective-bargaining laws for faculty members at both 4-year and 2-year colleges.
- States with collective-bargaining laws for faculty members at 2-year colleges only.
- States without collective bargaining laws for faculty members.

Adapted from *The Chronicle of Higher Education*

As of June 1, another 39 institutions had decided elections in the 1976-77 academic year. Twenty of these were four-year institutions; nine voted for a bargaining agent; 11 voted for no agent. Nineteen of these were two-year institutions where 16 voted for a bargaining agent and three voted for no agent.

Efforts to establish faculty unions are essentially complete in the 24 states which allow unionization, leading some observers to believe that faculty unions will place their primary emphasis on states which presently have no collective bargaining legislation. As shown on the map, half of the states without collective bargaining laws are in the South, and only one of the 14 SREB states, Florida, has a law authorizing collective bargaining.

The likelihood of Congress passing a law to give all public employees collective bargaining rights is considered generally remote, so union initiatives will continue to focus on state legislatures.

Collective bargaining in higher education remains an issue on which opinions are sharply divided. The debate in the academic community was underscored for legislators during SREB's 26th Legislative Work Conference by John Silber, president of Boston University, and Robert Nielsen, director of the colleges and universities department of the American Federation of Teachers. Their presentations are reproduced on the following pages.

Two Views on

John R. Silber*

"When you organize faculty through collective bargaining all you can have left in a university... is something more closely resembling a factory than a university."

In my years in Texas I had very frequent contact with legislators and I came to admire and deeply respect those who engage in politics at a level close enough to their constituencies to know the meaning of responsibility and to experience the "tremble" factor. The "tremble" factor is a term developed by the economist Rosenstein-Rodan to describe a situation in which one has something to lose as possible consequence of the decisions he reaches. I would use as an example the Roman engineer, who was typically placed beneath an arch he designed and constructed while its scaffolding was being removed. If the arch held, the engineer had a continuing career, but if it did not, there was no problem of raising his malpractice insurance rates. It was a self-corrective system. There is much of that in politics at the state level. A shared sense of responsibility that legislators and college presidents have, and their acute availability to their constituencies, give us something in common.

The issue of collective bargaining is of critical importance for higher education both in the state sector and independent sector. I do not use the categories "public" and "private" sector. All higher education—whether in the independent sector or in the taxpayer-supported sector—is public education. We educate the public at Boston University; they educate the public at Trinity University in San Antonio; Tulane educates the public. There is no university or college that does not educate the public. The question is, "Does the institution subsidize the taxpayer as in the independent sector, or does the taxpayer subsidize the institution as in the state sector?" The independent sector of higher education in the United States subsidizes the taxpayer at the rate of about six or seven billion dollars each year. The taxpayer subsidizes the state sector to a much larger amount, roughly 20 billion dollars. The decisions we

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*Dr. Silber is president of Boston University.

Collective Bargaining

Robert Nielsen*

"(Faculty are) probably the most unlikely group to ever organize into a union in the history of the labor movement."

It is inevitable that our topic, Collective Bargaining in Higher Education, has generated much confusion and debate. Institutions of higher learning are very strange animals, described recently by someone as a collection of medieval fiefdoms connected by a common heating plant. Add to that rather acerbic definition the provocative words, "organizing, unionizing, bargaining, impasse, strike, etc.", and much trouble could properly be anticipated.

In the minds of many, these ingredients shouldn't mix; or at the very best, should result in a sour mixture indeed. Much to these cynics' dismay, however, this mix works quite well on many campuses where collective bargaining is a fact of life. The agreements reached on these campuses represent union coverage of about 25 percent of the faculty and professional staff throughout the country. And, surprisingly, this all happened over a brief nine-year period. By any measure that's incredible growth, but when viewed from this perspective, it's amazing: forty years after the passage of the Wagner Act only 30 percent of industrial workers are organized; but in only nine years, 25 percent of college professors are organized.

There are, of course, some basic differences between industrial bargaining and what I'm going to term academic bargaining.

One of the principal differences is this: in the industrial sector, organized labor and the employer are adversaries; in the academic sector, organized labor, the college administration and the campus union have many common goals—among these is continued high quality accessible higher education.

No one ever claimed that the United Auto Workers was a friend of Ford, or Chrysler, or General Motors. Conversely, a strong case could be made that we wouldn't have public education in this

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**Dr. Nielsen is director of the Colleges and Universities Department of the American Federation of Teachers.*

Silber — *continued from page 4*

make with regard to collective bargaining in higher education—particularly with collective bargaining as it relates to faculty members—are going to have a profound influence on the future of both sectors of higher education.

The question that we must ask is: Have we inadvertently slipped into collective bargaining for faculty members or have we done it with our eyes open? I understand the increasing pressure faced by each legislature to pass legislation guaranteeing collective bargaining for all state employees. But I wonder whether faculty members are really state "employees" in the state institutions. It seems to me quite consistent to argue that the National Labor Relations Act (NLRA) should apply to universities as institutions while maintaining that it was never any part of the intention of the NLRA to apply it to faculty members, because of the very distinct nature of their employment.

Now, if you ask me, "Do farmworkers need the protection of a labor union?", my answer is an emphatic yes. I don't think the farmworker can be protected adequately without collective bargaining. He is not well educated, he certainly is not articulate, and having no economic reserves he is dependent each day for his daily bread and the daily bread of his family. These are not circumstances in which the individual is well prepared to stand alone.

But faculty are, by definition and by condition of their employment, the most articulate and the best educated of all—not merely ordinary people, but of professional groups. The average Ph.D. has spent more time in the classroom, has read more books, has written more than the average graduate of a law school, than the average graduate of a medical school, than any other professional. The extraordinary background and education of these individuals sets them apart. Secondly, nearly all of them make their living teaching. And if they are competent to teach, they are competent to articulate their ideas. Now, these individuals cannot claim to be alienated. What are they alienated from? They are required by the administration to do precisely this: to study, to write, and to teach in that area of human investigation that they personally and individually decided they were interested in. And the persons with whom they have to deal are exciting, bright, intelligent, hard working, young students who aspire to greater knowledge and ability in the areas in which these individuals said they were interested. I find no text on alienation in the writings of Marx that fits the situation of the professor. In reading Gompers' *On Trade Unionism*, I fail to see how professors resemble the carpenters, the bricklayers, the craftsmen, that Gompers was concerned about. We have to recognize that professors are simply not alienated.

Secondly, we have to ask, "Do they suffer from exploitation?" Now, from 1910 to 1950 the average full professor in the United States—that is, the person who went into academic life and achieved the height of his profession—earned in 1975 value $13,000 a year. In 1975, $13,000 was the median income in the United States. That is, for a period of 40 years the person who chose academia as his way of life did not make below, but neither did he make above the average in compensation. And his compen-

sation was a very different kind. It consisted in his being asked to work approximately 30 weeks out of the year with 22 weeks for his own personal development and fulfillment. He was asked to teach anywhere from five to six courses a semester back in 1910, down to two or three courses per semester at the present time. He was asked to study, to write, to ensure his own self-development, and to be concerned for students. And he was left pretty much on his own as to how he accomplished his professional responsibilities. It was the quality of life, it was the nature of the pursuit, it was the attractiveness of the pursuit of truth, and it was the attractiveness of explaining ideas to others that drew people into academia.

"A faculty member today has more in common with an insurance salesman or with a middle management business executive than he does with a professor of 25 years ago."

Beginning about 1950 with the sudden expansion of higher education following the enactment of the G.I. Bill, things began to change. By 1960, the average full professor's compensation was up to about $18,000 a year, then in 1970 it had reached about $20,000 or $22,000, and by 1975 had reached approximately $25,000 per year. Now if we differentiate between kinds of institutions, the average compensation for full professors is about $28,000 in universities. It is around $24,000 in the four-year colleges, and it is around $22,000 in the junior colleges. These salaries are what a person can expect when he reaches the top of his profession, adjusted to 1975 dollars.

This means that, instead of being at the median of American life, full professors in universities stand in approximately the upper five percent of American wage earners, those in four-year colleges in the upper 10 percent and those in junior colleges in the upper 12 to 15 percent. If this represents exploitation, then everybody is exploited. We are talking about those within the top 12 percent of personal income in one of the richest nations on earth. These individuals are fortunate—indeed live in a state of luxury by any historical standard. The idea that the faculty is being exploited is preposterous.

So we are not talking of the classic bases of trade unionism—alienation and exploitation. Rather, we are talking about what happens to individuals when, by becoming so well-to-do relative to the former standards of their profession, their ideals and their concerns begin to change.

A faculty member today has more in common with an insurance salesman or with a middle management business executive than he does with the professor of 25 years ago. It is not merely that power tends to corrupt—and absolute power tends to corrupt absolutely—it is that money changes one's attitudes. As Jesus said, "Where a man's treasure is, there will his heart be also." And once professors found that they could make good by doing good, they became increasingly interested in making good and less interested in

doing good. And I think this change in faculty attitude must be recognized. Faculty are using an intelligence which is vastly above average. Let no one claim the average professor is a stupid man. He is a highly intelligent man and he is imaginative enough to wonder whether there are ways that he can manipulate the NLRA to his own advantage. And this is precisely what faculties are doing: trying for an increased share in the governance of the universities. At the same time they fail to recognize that once you abandon the collegial pattern of rational persuasion for the trade union banner of force—what you can do on the picket line—you have changed radically the nature of the situation.

The National Labor Relations Board (NLRB) stayed away from universities and colleges for many years. And then in the Cornell case the NLRB came in because, for a variety of paradoxical reasons, all parties wanted them in. Why did everybody want them in? Because in 1969 the state legislature of New York decided to include under their labor law all state employees, and that meant that the employees of Cornell University as a partially state institution now fell within the jurisdiction of the state labor board. The Cornell personnel office said, "Well, if we're going to have to deal with a labor board, we'd a lot rather deal with the NLRB than deal with the state labor board." And so everyone within Cornell decided, "We'll get together with the union and we'll all petition for the NLRB." And the NLRB extended jurisdiction to Cornell as a whole. It extended its jurisdiction over all Cornell employees even though no one claims that the NLRA was ever intended to cover faculty. No sooner had it taken jurisdiction then it began to treat the academy by analogy with industry, even though the academy was so different as to make this policy deeply disruptive. The NLRB had no experience with higher education, which became apparent as its various regions made highly inconsistent rulings about such matters as the status of part-time faculty and department chairmen. The NLRB adjudicates matters *ad hoc* case by case, there are no reliable nationally consistent policies, and the chaos continues.

> "Have we inadvertently slipped into collective bargaining for faculty members or have we done it with our eyes open?"

The NLRB has strayed far from the purpose of the NLRA, which was to contain conflict. Now, by the inconsistency of its rulings, it is creating havoc. Part of the reason for this is its ignorance about higher education. We can see this by contrasting NLRB handling of non-academic areas within higher education. We have had no difficulty with the NLRB in handling cases involving janitors. A janitor in a university is, in my judgment, essentially indistinguishable from a janitor in a business. And if you can have the labor organization for a janitor in business, I see no reason why you can't have it for one in a hospital or for one in a university. But to talk about unionizing faculty is to talk about something for which the cate-

gories of the industrial model simply do not fit. Is the faculty member a supervisor? So far as I know, no consideration has yet been given to the supervisory relation of the faculty member, nor to employees such as secretaries and other faculty in which it is clear there is a supervisory role, but with regard to the student. And why? Because, I suppose, in its lack of expertise the NLRB thinks of the student as a customer. The student is not merely a customer of a university. The student happens to be the raw material—a part of the raw material out of which the work of the university is done. Not only is the student raw material, the student is also the final product, in a sense, of what the university does. And the student is the customer. The student is all of these.

But also a part of what is done at the university is done with the raw material of faculty who blend their raw material into their daily work to produce books, articles, lectures, and the rest which are also the product of the university. Now the faculty member is designing a product of the university. He and he alone in many cases decides everything which is to be done in an individual course. I never taught a course in which I did not have personal and individual responsibility in deciding what would be included among the readings, how many papers would be required, who would read the papers, who would evaluate the papers, and what grades would be given the student.

All of those marketing decisions about acquisition of raw material and customers, the evaluation and removal of customers, saying the customer is sometimes wrong—all of these marketing decisions, high level policy decisions, were made by an ordinary assistant professor!

The model of industrial manufacture simply makes no sense in the context of a university. The model of professional activity, of the relationship of a lawyer to a client, or of a doctor to a patient, makes very little sense in the context of a university. Policy decisions of the most profound sort—determining the purpose, the mission, the quality of what goes on in a university—are made by people as far down as teaching assistants, as instructors, as assistant and associate professors. And none of this subtlety has come out in any of the decisions which have been reached because the NLRB simply has no experience or competence in this area. And often the labor counsel, able as they are, fail in presenting cases because they simply do not know enough about universities to know how to present them.

At Boston University the American Association of University Professors (AAUP) knew perfectly well that earlier in another case it argued for the unity of the university, for keeping the university together, for recognizing the solidarity of interests of all faculty in the university. But they recognized that at Boston University if they tried to organize on that basis they would be defeated. So they peeled off the medical school, they peeled off the dental school, they peeled off the law school. What do these have to do with the University? Those have very different interests, the AAUP claimed. They ignored the literally hundreds of courses being taught on our main campus by medical and dental faculty, the number of law professors teaching courses in the College of Liberal Arts, the number of courses taken by law students in the College of Liberal

Arts and in the School of Medicine, the number of courses taught in the College of Liberal Arts taken by medical students, etc. They ignored all of those relationships and interrelationships, not because of any rationale, but because this was what they had to do if they wanted to win. When it came time for the election they chose two weeks after classes were over! You couldn't get away with that in an industrial context. You can't even hold an election on Sunday or on Saturday, unless those are regular work days. But they held it two weeks late. Shortly thereafter the NLRB held that no election should be held within 30 days of the beginning or end of the school year. Only a minority of the gerrymandered unit voted. Only 46 percent of the faculty was contained in the unit itself. Our part-time employees, even if they had been working for the university for 20 years, were excluded. Department chairmen were included despite the fact that they are as much a part of management as the president of the university. With all of these confusions, they sought their advantage and a minority of 20 percent of the faculty of Boston University voted for the union.

The collegial model is destroyed when 20 percent of your faculty disenfranchises all the faculty of the law school, the medical school, the dental school and tells them they don't really count. It is also destroyed when they disenfranchise all of the part-time faculty on which every great university depends for continuing substantial parts of its enterprise.

President Horne, at Santa Barbara, is criticized because he is said to be running his university like a factory. When you organize faculty through collective bargaining all you can have left in a university, in my judgment, is something more closely resembling a factory than a university. The unions, of course, regularly assert that they wish to retain all the present collegial governance on top of the industrial model. Indeed, they try to use the industrial model to increase their advantages within the collegial model, by placing faculty on the Trustees, and by strengthening the role of faculty senates and the like. On this score, the NLRB has been quite clear-sighted, maintaining that collective bargaining cannot be compelled except with regard to economic issues. Unions may promise voters in a representation election that they are going to bargain on governance, but they cannot guarantee that they will. They have no support in law or in NLRB practice for such a pledge.

If faculties find this upsetting, it is because they don't understand that you cannot work both sides of the street successfully. They can enjoy their solitary life free of surveillance, free of examination, to pursue their own work and their own self-development and the self-development of their students in this remarkably sensitive and complex relationship known as the university. Or they can go down to Sears Roebuck, buy themselves a blue shirt, learn the words to "Joe Hill," and come back as members of a trade union. They just make up their minds what they want to be. Now if one wants to be a trade unionist, then I think one should recognize what usually goes with it. Featherbedding has been a part of trade unionism in the United States, and featherbedding spells bankruptcy. There is no way that universities can become financially viable through the addition of trade unions. A university is either excellent or it's not worthy of the name. Nobody calls a

university into existence in order to have something mediocre. If you are going to have higher education, by definition it has to be higher than something. Our concern for quality means that we have a concern for advancing the best.

Now how do you tell who is the best in an academic situation? It is not by having a shop steward come in and say, "I want an increase of $1.15 an hour for *everybody*." It is by having academic vice presidents and provosts and department chairmen and senior professors examining one another and their junior colleagues and

> "Featherbedding has been a part of trade unionism . . . There is no way that universities can become financially viable through the addition of trade unions."

saying, "Joe Green wrote the finest book on the American Colonial period that has appeared in the last 10 years and Bill Jones has written an incompetent piece of trash. Let's promote the one and let's fire the other." That is the way you evaluate within the university and it has nothing to do with collectivity. There is a basis for collective assessment of work and productivity in industry in a way that is not present in a university.

It would seem to me that the legislators in this country ought to think profoundly on the question of whether there should be trade unionism—collective bargaining—for public employees. And the reason why I question this is not because I don't think some public employees need unions. I agree they may need to have some kind of protection.

But what worries me about it is whether the "tremble" factor applies to those who grant the demands. They are not spending their own money. They are spending the taxpayers' money. That is a very different phenomenon from the owners of the Ford Motor Company deciding to give a wage increase to the workers at Ford Motor Company. But that is a technical problem. I still recognize that there have to be unions and collective bargaining for some classes of state employees. Why, however, need there be any right to collective bargaining for faculty members in universities? I think faculty members should be asked serious questions, "Are you an individual? Do you find yourself well-educated enough and sufficiently articulate to make your case with regard to what you are worth, with regard to what you should be paid, with regard to the competence that you exhibit?" Or, "Are you a mental basket case and so inarticulate that you are absolutely indefensible apart from the protection of a shop steward?" If a faculty member claims the former, he doesn't need a union. If a faculty member claims the latter, he should be fired on the basis of his self-confessed incompetence. ■

Nielsen — *continued from page 5*

country as we know it without the strong support of organized labor over the years.

I can't recall a single instance in which the AFL-CIO has lobbied against bills for higher education. It's a friend of education. When I talk about organized labor, I do not mean the National Education Association, which is a vested self-interest group. I'm talking about the AFL-CIO.

In discussing the fundamental difference in relationships between industrial bargaining and what's going on in education, I'd like to point out some common misconceptions. There is a tendency, I think, to believe that collective bargaining is a revolutionary movement on the campuses led by wild-eyed, long-haired, bearded, dissident, malcontent junior faculty. I assure you it is not. The American Council on Education did a survey about three years ago in which they profiled the typical college professor. It's no surprise to women that the typical professor is a he. He's over 40. He's tenured. He's politically conservative—and religious on top of that. This description also fits the typical college faculty union member. If you go to a faculty union meeting, that's who you're going to sit next to. It's probably the most unlikely group to ever organize into a union in the history of the labor movement. In fact, most would deny that they're participating as members of the labor movement even though they bargain. Most don't even want to be called employees. It's not an egalitarian movement—that is, where all faculty should be leveled: one faculty, one rank, one salary. Faculty, in my experience, even in those institutions that have bargained for quite some time, want to preserve the fact that universities are meritocracies. And it's more than just lip service. They want that built into the contracts.

You know the old mythology that we target a campus and come with a station wagon full of slick literature and organize? Well, it just isn't true. College faculties essentially are organizing themselves with very little assistance from any of the national organi-

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"...in only nine years, 25 percent of college professors are organized."

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zations. It is not a revolutionary force—it is fundamentally a conservative force on the campuses. Faculty want to maintain the status quo or maybe roll it back a few years to some period in time where they thought they had more control, or more power than they now have over the future of the institution.

One of the problems with this whole topic is that we have divorced the concepts of collective bargaining and organizing. We try to analyze collective bargaining for faculty, and my contention is that's only part of what you want to look at. There was an old slogan: Agitate, educate, and organize. In the labor movement, organize meant you were a union. We've got faculty unions who have been bargaining for years, but are not, in fact, organized.

I want to talk about organizing rather than just collective bargaining. Faculties organize for a variety of reasons. Some of these

reasons are bargainable. Others are not. One of the reasons that faculties organize is to rid themselves of a tyrant president. Now this clearly is not a bargainable issue, but they do it. Look at the *Chronicle of Higher Education* over the last four years and compare those places looking for new presidents with those where there is collective bargaining activity. There's a tremendous correlation. While such groups may accomplish their purpose, this motivation rarely produces a strong union.

"How universities are run is the major reason... college faculties are organizing."

Another poor reason to organize is over a faculty member who is being fired. This is not even a good issue to bargain over. One of the good reasons that faculties organize is to procure some legislative influence. They want the voice of the faculty to be heard in the state house, not just the voice of the college president or the board. They want a faculty voice. They do want to bargain over what they see as their legitimate role in university governance, which they feel, rightly or wrongly, is being eroded. The primary motivation is not money. That's clear. They are pretty well paid by relative standards. It turns out that this was never a real issue, not even in industry. Salaried workers never organized over salary. The degree to which faculty are organizing does not show up on the charts in the *Chronicle of Higher Education* in the number of bargaining agents. I talk about 500 campuses bargaining—25 percent of the faculty. You should know, that even here in the South where you don't have any bargaining going on except in Florida, there's a lot of organizing going on.

I'll give you some numbers. We had 1,200 members, dues-paying AFT members, in the University of Florida system before there was ever a bargaining law. That is a high degree of organization in the absence of collective bargaining. We have a group called the United Professors of California numbering 5,000 members in a state university system of around 12,000 or 13,000 faculty. That's a high degree of organization, especially with no bargaining going on. We also have 500 members at the University of Illinois, Champaign-Urbana, a very prestigious campus and one of the elite of the Big Ten. And the 500 members are almost all associate and full professors. There is hardly a campus in the country where the faculty isn't interested in organizing. The problem with the word "collective bargaining" is how you define the word "bargaining." It may not be "bargaining" in the sense of being protected by the National Labor Relations Act, but it is bargaining nevertheless.

On the campuses, in a very general sense, the faculty senate engages—or its committees engage—in a limited form of bargaining. On any campus, you could view the faculty senate as a form of faculty organization. There's faculty association on most campuses and that is a degree of organization. They are not affiliated with a national organization, but that doesn't mean they are not organized or organizing.

One of the problems is this whole area of professionalism and

how it relates to craft- and guild-type unions and how this fits into the university scene. It turns out that collective action by college and university faculties is not anything new and goes back to the Middle Ages. The European universities were, in fact, simply guilds of master professors. That was a union structure and it was collective action and it was the way they exercised their professionalism. I sometimes think that this is essentially what college faculty in this country are seeking through unionization, and collective bargaining is an attempt to get back to a type of guild structure.

"College faculties are essentially organizing themselves...it is fundamentally a conservative force on the campuses."

With respect to the South, chances are dim that there will be collective bargaining educational legislation in the South for years outside of Florida. But the facts are that the faculties are organizing. We have chartered some large locals in North Carolina, Tennessee, and Texas over the past three years. They are not bargaining and probably won't for some time because they really don't want to. In the private sector, faculties could bargain now if they wanted to, but they don't. I don't know of any private institutions in the South that are bargaining, and there is no indication at all that the public ones would if they had a law. But this doesn't mean they are not organizing and setting their agendas. The basic question is: Why are they doing it? This question is receiving a lot of attention but not many good answers. My own theory is they organized for about the same reasons any other group of employees ever organized.

I uncovered a book last summer entitled *The Dynamics of Industrial Democracy* written by Clinton Golden and Harold Ruttenberg about 1942 which described the efforts of the Steelworkers' Organizing Committee to organize the steel industry in the country in the '30s. Steelworkers joined the unions in the '30s essentially for three reasons. They had certain basic needs that had to be satisfied. One was economic, although that was not the primary reason. Another was to satisfy certain psychological needs and the third was to satisfy social needs. I'll get to the social needs last—I think that reason applies most to the campuses. The psychological need that the authors felt caused the steelworkers to organize was described as follows. They said that deep in the heart of every worker is the secret desire to tell the boss "to go to hell." The way the workers traditionally had satisfied this need was to walk into the boss's office and say, "Hey, I've got another job and you can go to hell!" But in the steel industry in the '30s there just weren't any places to go. There is a strong analogy between this and the present situation in academe. It is difficult to find a job. Some of the very brightest new Ph.D.'s are drifting around from one small college to another, from one mediocre place to another, on a two-year contract here, a three-year contract there. We have lost some of our brightest scholars—people who would have had jobs at major universities but don't because people who have them are not giving them up.

Golden also noted that one of the reasons steelworkers organized is they wanted to have something to say about the way the plant was run. This translates into governance. How universities are run is the major reason, in my opinion, why college faculties are organizing. I could draw from my own personal experience at the University of Delaware, a good, essentially private, publicly assisted university. It was a wealthy school, had a good program, and I had a good job there. I was angry most of the nine years I was there, but I was never angry on payday. I was angry the way the elite administrative echelon was running the place and I knew that after seven or eight years the university had gone downhill. It wasn't my fault and it wasn't my department's fault. We were doing a good job. What bothered most of us was the general feeling that we didn't have enough to say about the things that counted. We established a faculty senate, but it was a hopeless failure. We therefore decided that instead of a faculty senate, it should be a university senate. As a result, administrators joined the senate and consequently came when they wanted to, voted as a group, and effectively blocked any corrective action that the faculty wanted to initiate through this body. As might be expected, the faculty organized for collective bargaining the following year and they bargain yet at Delaware.

One of the problems we encounter in talking about collective bargaining is the vocabulary and we are all guilty of it. We have adopted the vocabulary of industrial sector bargaining. I know as a faculty member I was offended the first time that a college president referred to me as an employee. And it's only very recently that you can talk about college management instead of college administration. We talk about grievance, arbitration, the word "bargaining"; all these words have precise meanings to people with experience in industry but they are foreign to the academy and conjure up all the fears and phobias you can possibly imagine—not just among administrators but faculties themselves. With a different vocabulary we might be able to analyze faculty collective bargaining more rationally. While the vocabulary is the same as in industrial bargaining, the process and the results of faculty collective bargaining are totally different for some very fundamental reasons. First of all, there is a legitimate faculty management role. There is

"They want the voice of the faculty to be heard in the state house..."

really no management function for an employee in the automobile industry. Faculty have enjoyed some management prerogatives and are going to continue to enjoy them even though they are bargaining. The process is fairly adaptable to this. There is also faculty-management interchange. Faculty move into administrative positions and then back into faculty positions. This means you have managers moving in and out of bargaining units which in turn leads to different process results. Also, there is the fundamental recognition by legislators, faculty and the administration that faculty should in fact have its own role in governing the institution. All these things contribute to the fact that faculty collective bargaining or academic collective bargaining is different than indus-

trial bargaining. In my opinion, Don Walker, president of Southeastern Massachusetts State University, has coined the proper jargon for faculty collective bargaining contracts. He says they are constitutions. What you do is sit down with the faculty union and write a constitution for the institution, a set of governing regulations.

Among some other thoughts I wanted to share with you is the fact that academic collective bargaining usually is not very adversarial. There are some exceptions, there is no question about that. There have been some strikes. But it's not usually that way and it need not be. One of the reasons it is not usually adversarial is that in 90 percent of the issues that are "bargained," faculty and management want the same thing. I don't think there is a college president in the country, I'm sure there isn't, who wouldn't like to see his faculty be a little better paid, have a little better fringe benefits. I don't think there is a college president in the country who wouldn't like the faculty to have smaller classes and reduced teaching loads. Likewise, very few of them would say that tenure isn't a good thing for the institution, and none would deny that academic freedom is an essential ingredient in a good university. Yet, these are the things that wind up in a contract. So you are bargaining over issues with which, for the most part, both parties are in fundamental agreement in principle.

There are, of course, good relationships and bad relationships. There is an old adage in the labor movement that management gets the kind of labor relations it deserves and this is true in the university. There are some very pleasant, good working relationships and there are some bitter, ugly ones. Essentially academic collective bargaining is simply a formalization and a codification of existing practices and policies.

Additionally, there are some specific advantages for legislators in faculty bargaining and I'll mention just two. One is that for the first time in many institutions in many states it brings about institutional accountability of public monies. In all too many so-called public institutions, there is far too little accountability for the university's budget. At Delaware it went this way. The University got one-third of its operation funds from the state but there wasn't a line item in it. Although the question was constantly raised, the state of Delaware does not even know how much money the president of the University of Delaware makes. Now that's absurd in a public institution. The second advantage is that faculty bargaining does bring about faculty input into legislative decision-making about higher education in the state. I think you as legislators want this; I would hope you would. ■